

BOARD OF POLICE COMMISSIONERS

Minutes of the Regular Board of Police Commissioners Meeting Thursday, June 10, 2004

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, June 10, 2004, at 6:30 p.m., at the Shiloh Chapel, 14841 Eastburn, Detroit, Michigan 48205.

ATTENDANCE

Board Members Present

Willie E. Hampton
Arthur Blackwell, II (**ABS**)
Erminia Ramirez
Jim Holley
Megan Norris

Department Personnel Present

Chief Ella M. Bully-Cummings
AC Harold Cureton
DC Ronald Haddad
DC Gloria Reynolds
DC Cara Best
DC Brenda Goss-Andrews
DC Fred Campbell
Cmdr. Robert Dunlap
Cmdr. George Hall
Cmdr. Leo Powers
Cmdr. Ralph Godbee
Cmdr. Walter Martin
Insp. Jamie Fields
Insp. Morris Wells
Sgt. Debbie Jackson
Sgt. Omar Feliciano

Board Staff Present

Dante' L. Goss, Executive Director
Denise R. Hooks, Attorney/Supervising Inv.
Arnold Sheard, Interim Chief Investigator
Michelle McDonald, Community Affairs Coordinator (**ABS**)
E. Lynise Bryant-Weekes, Personnel Director (**ABS**)

OTHERS PRESENT

Jeffrey Lay
Evelyn Dukes
Herman Vallery
Ron Scott
Ms. Doddy
Lorenzo Wright
Belinda Howard-Baker
Ms. Walters
Aaron Staples
Mr. Hoskins
Sandra Hines

RECORDERS

Jerome Adams

1. CALL TO ORDER

Chairperson Hampton called the regular meeting of the Detroit Board of Police Commissioners to order at 6:42 p.m.

We want to thank Bishop A. M. Smith for being a gracious host and we are happy to be here at the Shiloh Chapel this evening.

Comm. Ramirez read the duties and responsibilities of the Board of Police Commissioners.

2. APPROVAL OF MINUTES

♦ **Thursday, June 3, 2004**

MOTION: **Comm. Norris** made the motion to approve the above Minutes.

SECOND: **Comm. Ramirez** seconded the motion.

VOTE: All in attendance voted in the affirmative.

3. REPORT FROM THE CHAIR

**RESOLUTION HONORING
MS. SABRENAH TAYLOR**

- WHEREAS** Ms. Sabrenah Taylor is a lifelong resident and community leader in the City of Detroit; and
- WHEREAS** Ms. Taylor is the Director of the Weed and Seed Program; she was instrumental in acquiring a 15-passenger van for the Ninth Precinct Community Relations; and
- WHEREAS** Ms. Taylor implemented the Youth in Action Program. This program teaches leadership and positive decision making skills to youths, ages 11 to 14; and
- WHEREAS** Ms. Taylor was appointed as a Representative in the Ninth Precinct. She receives complaints from residents and ensures the information is provided to the Ninth Precinct; and
- WHEREAS** Ms. Taylor, in addition to all the aforementioned activities, finds time to volunteer for Ninth Precinct Community Relations activities,

NOW, THEREFORE, BE IT

- RESOLVED** That the Detroit Board of Police Commissioners, speaking for the citizens of the City of Detroit and the Detroit Police Department, acknowledges the generous spirit of Ms. Sabrenah Taylor. Her unselfishness and dedication to improving the quality of life for all citizens in her community and throughout the city of Detroit merits our highest regards.

We thank and congratulate you, Ms. Sabrenah Taylor.

DETROIT BOARD OF POLICE COMMISSIONERS

/s/ Willie Hampton
Chairperson

/s/Arthur Blackwell
Vice Chairperson

/s/ Megan P. Norris
Commissioner

/s/Jim Holley
Commissioner

/s/Erminia Ramirez
Commissioner

MOTION: **Comm. Norris** made the motion to adopt the Resolution.

SECOND: **Comm. Ramirez** seconded the motion.

VOTE: All in attendance voted in the affirmative.

Chief Bully-Cummings presented Ms. Taylor with a Certificate of Recognition from the Detroit Police Department.

AC Cureton presented Ms. Taylor with the Spirit of Detroit Award on behalf of City Council.

4. SECRETARY'S REPORT – EXECUTIVE DIRECTOR GOSS

ANNOUNCEMENT OF GENERAL ORDERS

On June 7, 2004, the Board of Police Commissioners Office received the following General Orders (Directives):

- **Directive 102.6 – Citizen Complaints**
- **Training Directive 04-5 – Detainee Suicide Prevention: Managing Risk**

These directives will be presented for discussion at the Board of Police Commissioners' meeting on June 17, 2004.

CITIZEN COMPLAINTS RECEIVED

	<u>This Week</u>	<u>Year to Date</u>
2004 - Weekly Count of Complaints:	39	657
2003 - Weekly Count of Complaints:	18	508

5. REPORT/PRESENTATION – CHIEF OF POLICE

DETROIT POLICE DEPARTMENT

REPORT TO THE
BOARD OF POLICE COMMISSIONERS



BUILDING A SAFER DETROIT THROUGH COMMUNITY PARTNERSHIPS.

The Detroit Police Department is committed to uphold its mission to provide a safe environment for our residents and businesses. This effort is not possible without the joint commitment of the community and the Police Department.

ENFORCEMENT ACTIONS

On June 2-8, 2004, the Narcotics Enforcement and Conspiracy Sections conducted 18 enforcement actions within the boundaries of the Eighth and Ninth Precincts, resulting in the following arrests and confiscations:

- ◆ 10 Felony arrests
- ◆ 28 Misdemeanor arrests
- ◆ 44.2 Grams of cocaine, 12.6 grams of heroin, 14,789 grams of marijuana and 423 pills - street value \$103,746.00
- ◆ \$7,059.00 U.S. currency
- ◆ 2 Handguns
- ◆ 31 Miscellaneous Ordinances issued

On June 2, 2004, the Vice Section conducted enforcement actions within the boundaries of the city of Detroit, resulting in the following arrests:

- ◆ 19 Arrests for Disorderly Conduct – Flagging
- ◆ 10 Arrests for Disorderly Conduct
- ◆ 1 Arrest for Admitting and Receiving for An Act of Prostitution
- ◆ 1 Cited for Sale of Loose Cigarettes
- ◆ 1 Cited for Offer to Sale Unwholesome Food and Drink
- ◆ 4 Cited for Furnish Alcohol to a Minor
- ◆ 1 Cited for Minor in Possession of Tobacco
- ◆ 42 Miscellaneous Ordinances issued

THIRTEENTH PRECINCT

On June 2, 2004, officers of the Thirteenth Precinct were on patrol in the area of Woodard and Sibley. The officers were flagged down by a citizen, who stated she observed a breaking and entering of a vehicle. The officers obtained a description of the wanted subject and the items taken. The officers canvassed the area. Through information provided by a citizen, the subject was located and arrested. He was charged with "Breaking and Entering Motor Vehicle, Habitual 4th."

COMMUNITY RELATIONS

AVIATION UNIT – CAREER DAY

During June 2-8, 2004, members of the Aviation Unit participated in Career Day at Duffield Elementary School, located at 2715 Macomb, and Longfellow Middle School, located at 13141 Rosa Parks Boulevard. Each presentation consisted of the stationary helicopter display (students were allowed to board the aircraft). Also, information was provided regarding the functions and duties of the Aviation Unit and how the aircraft is utilized to assist the department.

TRAINING

TRAINING BUREAU

During the week of June 2-9, 2004, "Mutual Respect" training was provided for members of the Detroit Police Department, at the Rouge Range, as part of the semi-annual firearms qualification program. This course consists of four (4 hours) of instruction. All members on the department are required to receive this training.

CHIEF OF POLICE ELLA M. BULLY-CUMMINGS

6. PRESENTATION – NINTH PRECINCT

Cmdr. Leo Powers gave the following presentation:

Good evening ladies and gentlemen, and let me say welcome board-members and Chief Bully-Cummings, to you from the community and Bishop Smith and congregation of Shiloh Temple.

Let me begin by stating that the 9th Precinct is located at 11187 Gratiot, it is approximately 9.1 square miles, and has approximately 100,000 citizens.

We are bounded by 8 Mile to the north, Harper to the south, French Road/Grinnell to the west, and Kelly Road to the east.

The 9th Precinct is approximately 87% African-American, 13% other, with an average of 39% of this total under 18 years of age.

We have primarily a service oriented community of businesses, with 3M manufacturing on Hoover and 8 Mile; J&R Steel Treating and US Equipment, both located in the same area. At Connor and Harper, we have Ivan Doverspike, a tool and die company.

We at the 9th Precinct, have under taken the following initiative:

- Officers are being employed in an area where crime has increased, such as 9—2, 6 and 9. Where over the past month we have had a total of 45 arrests, the majority from 9-6; investigated 115 persons for various acts; and invested 8145 minutes (135.75 hrs.) on patrol related functions.
- Those areas supporting significant arrests are under constant surveillance.
- Response times of the patrol units are monitored regularly to ensure we are providing the appropriate leadership is on hand, if needed.
- Our IOU has utilized the assistance of the Wayne County Prosecutor's office has even responded to crime scene in order to offer technical assistance.
- Investigative subpoenas are being used more frequently, now that IOU personnel are required to respond to all major events within the Precinct.
- And Special Operations Units augment personnel requirements to facilitate witness processing and crime scene integrity.

Prior to the beginning of the year, Environmental officers conducted enforcement in 9-2, and 6's area. That enforcement resulted in 620 violation notices, 101 vehicles tagged for removal; and 13 autos recovered.

We performed this action again from April 27, 2004, through May 7, 2004 this time in 9-1, 2, and 3's area. This action result in over 300 violation notices being issued and 170 vehicles tagged for removal.

In January 2004, we collaborated with the 11th Precinct, on OTE operations on our common borders.

February 2004, we participated in a joint operation with the surrounding suburban communities to attack the UDAA problems. That action resulted in 52 arrests; 41 vehicles recovered; and a 63.4% drop in UDAA crimes.

In March 2004, we participated in Operation Crusader sponsored by the Mayor's Office; Wayne County Sheriff's Department; MSP; and local Federal agencies. There were 74 arrests; 54 violation notices issued; 14 firearms confiscated; and a variety of drugs valued at \$36,980.

Finally, between April 1, 2004, and May 30, 2004, we have re-appropriated 52 portable basketball hoops, and we look to take in more.

7. PRESENTATION – PUBLIC INFORMATION

Sgt. Omar Feliciano gave the following PowerPoint Presentation:

(See Attachment 1)

Questions & Answers

Comm. Norris asked how is the word getting out to citizens to check the website so that they know that this information is available?

Sgt. Feliciano stated it is about marketing the website. I think it is a good idea that we start as a department. He also stated that when we disseminate information to the public that we will provide the web address on business cards or department letterhead.

Comm. Norris asked is there a link on the website that allows citizens to view the consent decree?

Sgt. Feliciano stated yes, they could enter the words “consent decree” on the homepage.

Chief Bully-Cummings asked if someone was to click on the Consent Decree link, will you be able to view it?

Sgt. Feliciano stated yes.

Comm. Holley asked is recruitment or careers in the police department listed on the website?

Sgt. Feliciano stated yes, we have a lot of things listed on the website for public information.

Comm. Ramirez asked would it be possible to list the community relations meetings and the President’s City-Wide meetings on the website?

Sgt. Feliciano stated yes.

8. APPROVAL OF GENERAL ORDER

- **Directive 305.7 – Detainee Transportation**

MOTION: **Comm. Norris** made the motion to approve the above Minutes.

SECOND: **Comm. Holley** seconded the motion.

VOTE: All in attendance voted in the affirmative.

9. DISCUSSION OF GENERAL ORDERS

Insp. Fields gave the following PowerPoint Presentation:

- **Directive 202.2 – Search and Seizure**

(See Attachment 2)

Questions and Answers

Comm. Norris asked does a detainee would have to meet some level of something that would justify them being searched.

Insp. Fields stated we don't search anybody as a detainee inventory search, unless they are unlawfully a detainee. For example, if someone gets arrested and get brought into the station, at that point of time, the detention officer can do a pat down frisk, so that you can make sure that they don't have a weapon on them. Then the supervisor says okay, we have probable cause and we are going to hold him and he can't bond out immediately, so if he can't do that then we will a detainee inventory search (full custodial search).

Comm. Norris asked if a supervisor determines that we don't have a right to hold this person at this point, then you cannot perform a search?

Insp. Fields stated yes, because we don't have probable cause. There is something in Michigan called the Interim & Bail Act, which is if someone is locked up for a misdemeanor and they have money to immediately post bond, we can't do the inventory search, we have to release on bond.

Comm. Norris asked is this once they are detained?

Insp. Field stated it is not done on the street; it is done in the station house or the holding facility.

Comm. Holley asked what about the stop and frisk?

Insp. Fields stated that is done on the street.

Comm. Holley asked for the average citizen, do you think that we should define stop and define frisk, so that we can understand?

Insp. Fields stated according to the Citizen Complaint Policy, it says that if a citizen feel like a officer is doing something wrong then the officer is responsible for telling the citizen how to make a complaint.

Comm. Norris stated it is in the policy. She asked Insp. Fields to explain briefly what justifies a stop and what justifies a frisk?

Insp. Fields stated to define what justifies a stop, for example when an officer gets a run to a location that there were men with guns and when they get to the location they see about 4 or 5 people walking away from the street corner, where they just got a call, they will be justified to do a investigatory stop and based on the nature of the call, they can also justify a frisk. Another example, is if an officer get a run on Belle Isle stating that there is a man sleeping on a park bench and when the officer arrives the man starts walking away, he could justify stopping him, but he can't justify doing a frisk.

Comm. Holley stated I would like for officers to help the community to understand that there is clear justification for the stop and clear justification for the frisk when they are pulled over.

Insp. Fields stated if officers explain to people why they are doing things that we will have less misunderstanding and mistrust.

Comm. Holley stated the whole reason for the consent decree is because of the lack of communication between the officers and community.

Insp. Fields stated in the definition section of the policy, we discuss what a stop and frisk is.

Comm. Norris stated on policies like stop and frisk, we are going to have to look at what kinds of public relation are available and what we are doing to make sure that the community understands where these lines get drawn.

Comm. Holley stated it is not about distrusting the officer, we have to find that the community trust the law, the transaction and the relationship.

Comm. Norris stated I think the issue is not the policy, it is going to be how are we going to communicate that.

- **Directive 305.1 – Detainee Intake/Assessment**

(See Attachment 3)

Questions and Answers

Comm. Holley asked how will everyone remember and comply to all of this information?

Insp. Fields stated we will have a check-off list.

Comm. Holley asked how many people will be involved in arresting one person?

Insp. Fields stated the key on this is two-fold. First, to this level it is going to be a limited amount of people. Mostly, supervisors and detention officers will be involved in this. Although the key is training. We will be training the whole department on these new forms.

Comm. Norris stated as a practical matter, there will be certain people whose job will be intake and they are going to be doing this, they are going to have to know it cold, they are going to have to have a lot of training, they are going to have to check of lists and clear forms. They will be doing this all day.

Insp. Fields stated to a great extent we have been doing a lot of this already. For example, the detainee intake form might be different or it might be more complete. Some of the forms we already have and a lot of the forms are going to be new. The people that need to be trained are going to know.

Comm. Ramirez asked when you have a detainee and they say they are sick, is the sergeant responsible for making the medical care referral form, so that the individual can go to the hospital?

Insp. Fields stated yes, he authorize it and sign the form. For the detention officers, there is a special order training directive that will be coming out on it. There will also be charts in each holding cell that will list prescriptions, illnesses and etc.

Comm. Ramirez asked is it just the supervisor's getting trained in medical?

Chief Bully-Cummings stated we are going to have to have training for the detention facility officers and precinct detention officers will receive very comprehensive training, but ultimately, it is the officer that is in charge of the desk. There are several paragraphs listed in the Conditions of Confinement Consent Decree that mandates that we do this. The community needs to understand that, if a prisoner comes in and they say that they have an ear ache, we have to take them to the hospital. I don't think a lot of people are aware of the amount of money it costs the to City provide medical care for prisoners, it is in excess of a ½ million dollars a year. Between the medical treatment and the

prescription costs and he or she is on medication and if the medication is on their person, when they are arrested we have to take them to Detroit Receiving Hospital and they have to be reissued medication by the hospital and we follow the instructions that are provided by hospital personnel. There is a major cost to these conditions that are listed in the consent that they police department must comply with.

Comm. Norris asked if we get out of the holding cell business, will we avoid most of that.

Chief Bully-Cummings stated if we get out of the holding cell business we will get out of all of this and one consent decree.

Comm. Holley asked for example, the officer that arrests me, how much of his time is involved?

Insp. Fields stated very little. If the officer sees that the person is injured or receives notice from the family, then instead of taking the detainee to the station, the officer would take him to the hospital.

Comm. Ramirez asked if detainees have insurance will Detroit Receiving bill that money to their insurance company?

Chief Bully-Cummings states there is a state law that places the burden of paying for the medical and prescription of prisoners arrested on state charges, that belongs to the county.

Comm. Norris stated that is not happening quite that way.

Chief Bully-Cummings stated no, that is because we are paying ½ million dollars a year.

Comm. Norris asked do we have the ability to make a sight and sound separation in the precincts?

Insp. Fields stated for juveniles it is no problem. We have been doing that already under the state law since 1908. As far as some of the other separations some require sight and sound, some just require sight. I realize all of the precincts are configured slightly differently, that is why we have the handicap precincts in certain areas and certain prisoners because we are making the best accommodations we can based on that.

Comm. Holley asked did I hear you correctly, when you stated that we are charged ½ million dollars for medical expenses, but the county is responsible for paying for prisoner medical expenses?

Chief Bully-Cummings stated under state law the county is responsible.

Comm. Holley asked how this Board let this happen? Why can't we collect on that? Why can't collect on it? Why aren't we passing that bill along?

Chief Bully-Cummings stated under this administration we are going to go forward with that. Prior administrations never enforced this.

Comm. Holley asked is there something that the Board can help you do that?

Chief Bully-Cummings stated of course you can. You can assist us in pushing this matter forward to have the county assume their responsibility. Over 80% of the persons that we arrests are charged under state law and those are the ones that the county will be responsible for. We are only responsible for the medical care of persons arrested under Detroit City ordinances.

Comm. Norris asked are those relatively small?

Chief Bully-Cummings stated yes.

Chairperson Hampton asked how long does the intake and assessment procedure take on the average?

Insp. Fields stated it is not really implemented yet. Once we implement it, I am pretty sure that DC Campbell will do a time study to see how long it takes each precinct. If it takes an ordinary amount of time, we will streamline and reduce it. As it stands now, I don't think it would take that type of time.

Comm. Norris asked how long does it currently take under our current policy?

Insp. Fields stated under our current policy it is relatively seamless and it takes very little time. It also depends on various variables.

Chairperson Hampton asked how long will a detainee know the status of their detainment and whether or not if they can bail themselves out.

Insp. Fields stated they will know that almost immediately about what the charges are, the amount of the bond, and/or if there is any bond.

10. OTHER BUSINESS

Comm. Norris stated I would like to tell the public that the Commission was given the Shoulders Report and we have signed a confidentiality agreement. She thanked Comm. Vann, the Law Department, the Board's staff, the Coalition Against Police Brutality and the citizens for their help.

11. ORAL COMMUNICATION FROM THE AUDIENCE

Herman Vallery asked what is the update of the Grable case?

Comm. Norris stated we have not heard anything about the Grable case. We have reviewed the full Shoulders Report and digested it. We are not involved in the litigation of the Grable case. We only learn about the Grable case in the newspaper.

Mr. Hoskins stated the Detroit Cab Driver Association is here to follow-up with concerns that were voiced at the community meeting in May. Our concerns are that we were seeking a rigorous enforcement against jitneys and luxury sedan services, who are approaching on areas designated for taxi cabs. We also would like to seek to minimize incidents of excessive ticketing, verbal abuse and improper demeanor exhibited by police officers.

Chairperson Hampton stated to my understanding it was suggested that you set up a meeting with the Chief and the Chief is willing to meet with you to deal with your issues. He asked did you meet with the Chief?

Mr. Hoskins stated we are dealing with City Council on those issues.

Chairperson Hampton stated you should set up a meeting with the Chief.

Belinda Howard-Baker voiced her concerns regarding the procedures of Search and Seizure.

Lorenzo Wright voiced his concerns regarding when his son was taking to the hospital, the hospital stated that they gave his personal property to the Ninth Precinct. He has also stated that he has had a hard time trying to retrieve these items from the Ninth Precinct.

Comm. Holley asked how long ago did this happened?

Mr. Wright stated May 29, 2004.

Comm. Holley asked what precinct is this in?

Mr. Wright stated the Ninth Precinct.

DC Haddad asked Mr. Wright to see him after the meeting, so that they could resolve his issue.

Ms. Doddy thanked the Ninth Precinct and its officers for helping her when she was rushed to the hospital for complications from her diabetes, which caused her to have a heart attack.

Ron Scott stated when these policies are being written, you need to know that there is a culture related to that and I hope that that culture is still not in the police department. We also need to consider how we deal with these policies because we have 47% people that are illiterate in the community. We need to look at how we are going to change this department inside and outside. He also voiced his concerns regarding the officers from the Fourth Precinct that were acquitted.

Sandra Hines voiced her concerns regarding how Detroit has a bad reputation around the nation. She also read an article that was found in the *Detroit Free Press* on May 15, 2000, regarding police shootings. The community and the police department need to work together to make this a sophisticated city.

Aaron Staples voiced his concerns regarding police officers from the Detroit Police Department and the Pontiac Police Department harassed him while he was handcuffed.

Chairperson Hampton asked is your complaint filed with the county or the city of Detroit?

Mr. Staples stated it is filed with Detroit.

Chairperson Hampton asked Mr. Staples to speak to Interim Chief Investigator Sheard after the meeting.

Jeffrey Lay voiced his concerns that there are no scout cars or police support in the 9-2 area.

Ms. Walters stated the police department is understaffed. She also stated that everyone must work collectively in order to support Detroit.

Evelyn Dukes invited everyone to attend a candlelight service for the fallen officers of this year that will be held on Friday, June 11, 2004, at Charity Lutheran Church, located at 17220 Kelly Rd at 11:00a.m. to 2:00 p.m.

12. ANNOUNCEMENT OF NEXT MEETING

Thursday, June 17, 2004, @ 3:00 p.m.
Police Headquarters
1300 Beaubien

Detroit, MI 48226

13. ADJOURNMENT

Meeting was adjourned at 8:30 p.m.

Respectfully Submitted,

DANTE' L. GOSS
Executive Director
Board of Police Commissioners

DLG/kdw